

MEMORANDUM

January 24, 2006

TO: THE LOS ANGELES COUNTY CLAIMS BOARD

FROM: ALAN B. NISHIMURA
Nishimura & Saunders

JOHANNA M. FONTENOT
Principal Deputy County Counsel
General Litigation Division

RE: Karen Syverson v. County of Los Angeles
Norwalk Superior Court Case No. VC 043223

DATE OF
INCIDENT: October 23, 2003

AUTHORITY
REQUESTED: \$50,000

COUNTY
DEPARTMENT: Sheriff's Department

CLAIMS BOARD ACTION:



Approve

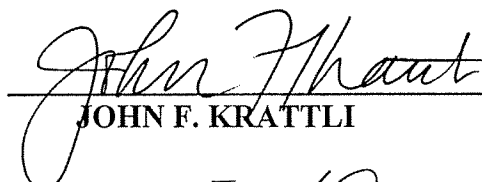


Disapprove



Recommend to Board of
Supervisors for Approval


_____, Chief Administrative Office
ROCKY A. ARMFIELD


_____, County Counsel
JOHN F. KRATTLI


_____, Auditor-Controller
MARIA M. OMS

on February 6, 2006

SUMMARY

This is a recommendation to settle for \$50,000 the dangerous condition lawsuit brought by Karen Syverson, who alleges that she was injured when she tripped and fell in an uncovered sprinkler box at the Sheriff's Training Academy.

LEGAL PRINCIPLE

A public entity is liable for injuries caused by a dangerous condition of its property, if the property was in a dangerous condition at the time of the injury, the injury was caused by the dangerous condition, the dangerous condition created a foreseeable risk of the type of injury that was suffered, and the public entity had actual or constructive notice of the dangerous condition.

SUMMARY OF FACTS

On October 23, 2003, at approximately 3:00 p.m., Karen Syverson was walking her sister's dog in a grassy area adjacent to the sidewalk at the Sheriff's Training Academy, when she tripped and fell in an uncovered sprinkler box. The uncovered sprinkler box measured 7 1/2 inches wide and 18 inches deep and was primarily covered by overgrown grass. The County contracts with the Hacienda/La Puente Unified School District for landscape maintenance at this location.

Ms. Syverson sustained injuries to her left knee, shin, ankle and both hips, and has soft tissue injuries to her back and neck.

DAMAGES

Karen Syverson was diagnosed with Reflex Sympathetic Dystrophy in her left leg, which is a condition which causes pain, swelling and sensitivity to touch. Should this matter proceed to trial, we estimate the potential damages could be as follows:

Medical expenses	\$ 85,400
Future medical expenses	\$175,000
Pain and suffering	<u>\$200,000</u>
Total	\$460,400

The proposed settlement calls for the County and the Hacienda/La Puente Unified School District to each pay Karen Syverson \$50,000 for all of her claims for damages, costs and attorneys' fees.

STATUS OF CASE

The trial court proceedings have been suspended pending consideration of the proposed settlement.

Expenses incurred by the County in defense of this action are attorney fees of \$8,526.71 and \$2,253.48 in costs.

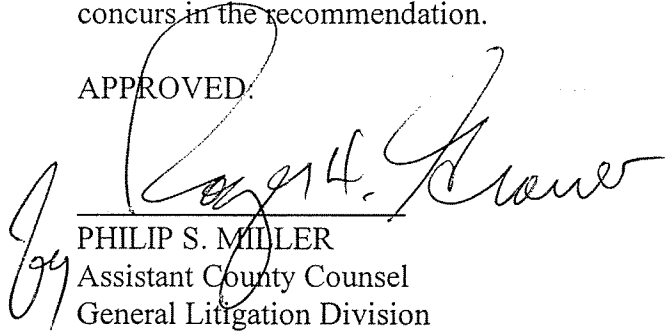
EVALUATION

Given the size of the opening of the uncovered sprinkler box, a jury could find that it represented a dangerous condition and that the County could have prevented Karen Syverson's injuries by inspecting the property.

A reasonable settlement at this time will avoid further litigation costs and a jury verdict that could exceed the proposed settlement.

We join with our private counsel, Nishimura & Saunders, and our third party administrator, Carl Warren and Company, in recommending a settlement of this matter in the amount of \$50,000. The Sheriff's Department concurs in the recommendation.

APPROVED:


PHILIP S. MILLER
Assistant County Counsel
General Litigation Division

PSM:bh